

REMARKS

Applicants have provisionally elected, for initial search and examination purposes only, the specie of nylon 611/dimethicone (polymer), volatile oil (isododecane) and octyldodecanol (compound capable of causing a decrease of fusion). However, the election of species requirement is traversed.

Initially, Applicants note that the specie of nylon 611/dimethicone copolymer corresponds to formula III where  $R_1$ - $R_4$  are methyl, and X is an (oxy)alkylene group. Submitted herewith at Tab A is manufacturer (Dow Corning) information detailing the structure of nylon 611/dimethicone. Support for this polymer exists throughout the present application, including the examples.

Applicants reiterate that the reason underlying the designation by the Office of all species is not explained in sufficient detail or by example, and as such represents only a conclusion, particularly in view of the fact that the identified species are related by operation and/or effect. Accordingly, division of each of these species is unsupported and improper. See, MPEP §§ 802.01 and 806.04 (b).

Moreover, Applicants respectfully submit that even assuming the species of polymer, compound capable of causing a decrease of fusion, and volatile oil are materially different from each other, the search for all of these types of compounds would occur in substantially the same classes/subclasses. Thus, no burden would be placed on the Office in searching and/or examining all claims together.

Applicants respectfully submit that similarly, here, such a search and examination of the pending claims can occur without an election of species.

For all of the above reasons, the Election of Species Requirement is traversed.

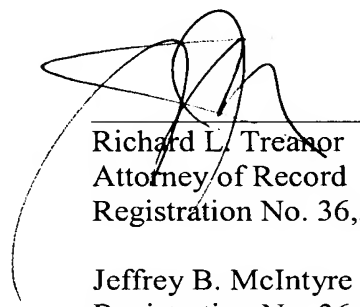
Application No. 10/538,924  
Restriction Response

Applicants submit that the present application is ready for examination on the merits.

Notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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